

November 16, 2004

My name is Clint McRae. I run and operate our family ranch, Rocker Six Cattle Company with my family and my parents. My address is 3633 Rosebud Creek Road, Forsyth, Montana, 59327. The proposed Tongue River Railroad, if built, would cross approximately 3 ½ miles of our summer pasture, which is in the original 89 miles of Tongue River 1. Although this document is focused on the Western Alignment, there are several references to the lower 89 miles. My comments will be addressed to that section.

First, the Multi-Agency Task Force, or Task Force, consists of individuals that represent a very small amount of public land. The vast majority of landowners in the Tongue River valley are private landowners, yet not one is represented on the Task Force. There is simply no way that a group of state and federal agency representatives can represent the best interests of private landowners. Yet, the decisions this body will make directly affect our operations and our livelihoods. The decisions made by this group will affect 130 miles of a major river valley, and yet there is no one to represent our best interests. This is a travesty. I formally request that at least one negatively impacted landowner fill a seat on the Task Force. Anything less is irresponsible.

Second, Chapter 4, p. 61 states that the railroad would....."increase herding time between pastures, but would not constitute a significant impact." According to whom, the TRR? The TRR and SEA, to my knowledge, have little or no expertise or experience in raising or moving cattle. They have no credibility deciding what is or is not an impact on our operation. The railroad would sever our summer pasture and create a significant amount of labor to move cattle across the rail line, where now all we need to do is open a gate. If we would try to move cattle across the tracks with 14 trains a day minimum, timing would be critical. I have yet to talk to a landowner that would claim that this is not a major headache. If the railroad is built, there will be severance. Cattle will be difficult to move across tracks because of severance, and we will have one side with water, the other with grass. To claim this is not severance shows the lack of understanding by the TRR and SEA.

The document states that crossings can be negotiated for ranch access and for fire access. A few years ago when we were negotiating with Francis Waldhauser of the TRR about an access agreement for the geo-tech work, he mentioned that we could negotiate for crossings, but the private landowner would be responsible for the cost of material. Further, he stated that we as landowners would be held liable for these crossings. Was he correct? If these crossings are negotiated, who pays for the crossing material? If a crossing is negotiated, who assumes liability? We participate in the Block Management Program. Who assumes liability if a hunter is injured or killed at one of these crossings?

The document mentions (Chapter 5, p.21) that the County road will need to be relocated 8 or 9 times. Exactly where are these locations? We request more specific maps of these

locations, as well as legal descriptions, length of the relocation, etc. These relocation sites will be moved upon private land, taking more of our land out of production. Who will pay for these re-locations? The TRR? The County taxpayer?

The document mentions the "re-alignment" of the railroad somewhere in Tongue River 1. Where is this "re-alignment?" Again, we request detailed maps with section numbers and a legal description of the re-alignment. The maps supplied in the document are grossly inadequate in detail.

The rail line will have several sidings. How long will these sidings be? Where will they be located? Again, we request detailed maps with section numbers and legal descriptions.

The document mentions work camps, as an example, one will be "near Ashland." Exactly where will these work camps be? Again, we request detailed maps with section numbers and a legal description.

Fencing the Right of Way (ROW) remains a concern. Not only should the TRR be required to fence the ROW (at the landowners request), they should also be required to maintain the fence. Too many times on other rail lines in the area, a fence is taken down to repair the tracks. More often than not, this fence is not fixed after the track repair is finished. There are liability questions with this problem as cattle wander onto the tracks, and a simple solution is to require the TRR to maintain the ROW fence.

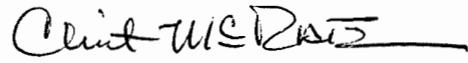
Weeds are another issue. The document claims that a weed plan is, or will be in place. This sounds good on paper, but the TRR needs to take care of the weeds from fence line to fence line along the ROW. Too many times, weeds are treated only a few feet off the sides of the tracks leaving untreated weeds from the end of the spray boom to the fence line. Untreated weeds and grass can also be a fire hazard. The TRR needs to be directed to treat the ENTIRE WIDTH of the right of way.

The Document mentions in chapter 4, p. 28 and 29 that the Total Maximum Daily Loads (TMDL's) will be completed by the spring of 2004. I serve on the committee that is working on the TMDL's, and it is not finished. At this point, we do not know when it will be complete.

Lastly, we request that the SEA and the TRR complete one new Environmental Impact Statement. The Original 89 miles was permitted in 1986, and we have been holding off on improvements on the Tongue River side of the ranch since then. Many things have changed in the 18 years that this permit has existed, and it is the duty of the Surface Transportation Board to represent the best interests of the public and produce one document, rather than a piecemeal, band-aid approach we have experienced for the last 18 years. Bouncing back and forth between a Western Alignment document that is still in draft stage, and cross referencing it to a document that is 18 years old is irresponsible. The Tongue River valley is one valley, not two or three, please treat it as one, do what is right, and simply draft one document.

Thank you for the opportunity to comment on the Draft. I look forward to reading the answers to the questions I have raised, and following through on the requests that have been made.

Clint McRae

A handwritten signature in black ink that reads "Clint McRae". The signature is written in a cursive style with a long horizontal line extending from the end.

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